S.B.CIVIL WRIT PETITION NO.3970/2004

Dr.Lalita Kachhwaha
v.
State of Rajasthan & Ors.

DATE OF ORDER :: 8th March, 2007

HON'BLE MR.JUSTICE GOVIND MATHUR

Mr. S.D.Vyas, for the petitioner.
Mr. M.S.Singhvi]
Mr. Tarun Joshi] for the respondent.

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The Rajasthan Public Service Commission under an advertisement Anx.1 invited applications from eligible desirous candidates to be considered for appointment as Assistant Professor in various subjects including the subject of Opthalmology in accordance with Rajasthan Medical Service (Collegiate Branch) Rules, 1962 (hereinafter referred to as “the Rules of 1962”). The respondent No.6 Dr.(Mrs.) Kalpana Jain, as a consequent to the selection proceedings conducted in pursuant to the advertisement referred above, was selected and given appointment as Assistant Professor in the subject of Opthalmology. The same is challenged by the present petitioner on the count that the respondent No.6 was not eligible to be considered for appointment as Assistant Professor in the subject of Opthalmology being lacking requisite teaching experience. It is also contended that the respondents erred while selecting the respondent No.6 as Assistant

Professor in the subject of Opthalmology ignoring candidature of the petitioner who is more meritorious vis-a-vis the respondent No.6.

Heard counsel for the parties.

The appointment to the post of Assistant Professor to Rajasthan Medical Service (Collegiate Branch) is required to be made in accordance with the Rules of 1962. Under the Rules of 1962 the eligibility prescribed for recruitment to the post referred above is as given under the Rajasthan University Ordinance. Under the Rajasthan University Ordinance the eligibility prescribed for appointment to the post of Assistant Professor/Lecturer in the subject of Opthalmology is that the incumbent must possess post graduate qualification in the subject of Opthalmology. The respondent No.6 was admittedly possessing the post graduate qualification in the subject of Opthalmology. It is further relevant to note that the Medical Council of India also prescribed minimum qualifications for teachers in medical institutions under the Regulations of 1998 and according to that eligibility to be considered for appointment to the post of Assistant Professor/Lecturer is recognised post graduate qualification in the subject of Opthalmology with three years teaching experience in the subject in a recognised medical college as Resident/Registrar/Demonstrator/Tutor. The respondent

No.6 was possessing the requisite experience in the capacity of Registrar. In view of it, I do not find any force in the contention that the respondent No.6 was lacking requisite experience and, therefore, was not eligible to be considered for appointment to the post of assistant Professor in the subject of Opthalmology.

I also do not find any force in the contention of counsel for the petitioner that the respondents have not considered comparative merit of the petitioner vis-a-vis the respondent No.6. It is well settled that such consideration is within the domain of the selection committee and this Court is not required to examine the same, if not proved malicious. In the instant matter there is nothing available on record on basis of that it can be said that consideration made by the competent selection committee was not objective and bonafide.

No other contention is raised.

In view of whatever discussed above, this petition for writ is dismissed.

(GOVIND MATHUR),J.

kkm/ps.